

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
SEPTEMBER 25, 2014**

Mayor Sullivan called the Regular meeting of the Township Committee of the Township of Chatham to order at 7:32 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 6, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Mayor Sullivan led the Flag Salute.

Roll Call

Answering present to the roll call were Committeeman Gallop, Committeewoman Abbott, Committeeman Brower, Deputy Mayor Ritter and Mayor Sullivan.

Approval of Agenda

The Agenda was approved as written.

Reports

Committeewoman Abbott reported that the Garden Committee is making preparations for next season, including plans to improve the driveway. The Garden Committee has enough funds to purchase a new shed and to have the driveway work performed. Committeeman Gallop asked if there is an official close date for the Community Garden. Committeewoman Abbott said that the water supply will be shut off for the season on October 15th. Committeewoman Abbott also reported that the Colony Pool Committee will be meeting to review the season and summarize the data.

Committeeman Gallop reported that Chief Gallop announced the prescription drug take back program whereby residents can drop off unused prescriptions at the Chatham Township Police Department.

Committeeman Brower requested that the Public Works Department assess trees that have branches that hang over roads and power lines. He suggested that it be done while leaves are still on trees to better assess those branches which are dead. Committeeman Brower also suggested that stone be placed in a ditch at the intersection of Shunpike Road and Loantaka Way. He also asked about the repair of a sidewalk on Fairmount Ave. Engineer Ruschke said that it would be repaired on September 26th, and he described the repairs to be performed.

Mayor Sullivan asked Engineer Ruschke if any headway had been made with NJ American Water regarding road improvements following utility work. Engineer Ruschke said that Administrator Ciccarone has been working with them in regard to Buxton Road, and is trying to get them to contribute to the costs of repaving. An ordinance is also being drafted to require contractors to make more extensive road repairs following road openings.

Deputy Mayor Ritter reported that the Library of the Chathams had over 21,000 visitors in August and 22,500 items were borrowed. An RFP will be issued soon for a new roof, and the Library is considering seeking designation as a historic place. Regarding the Environmental Commission, the Township gets Sustainable Jersey points for the medication drop box. The Green Village Fire Department had a successful golf outing on September 22nd, and they will be hosting an open house on October 5th. A clay shoot and pig roast will also be held in October. The Communications Committee has been making active use of social media for alerts regarding burglaries. Deputy Mayor Ritter also said that the Chatham Athletic Foundation's Septemberfest will be held on September 27th.

Mayor Sullivan reported that the ski program advertising will commence next week. The program starts with 7th and 8th graders, and 6th Graders will be able to get on a waiting list. Signups will be through Community Pass.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.
Seeing no comment, Mayor Sullivan closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Ordinance 2014-14

**ORDINANCE 2014-14
AN ORDINANCE TO AMEND ORDINANCE 2013-020 AN ORDINANCE TO PROVIDE
MINIMUM AND MAXIMUM RANGES FOR COMPENSATION FOR CERTAIN POSITIONS
OF EMPLOYMENT IN THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS,
NEW JERSEY, EFFECTIVE JANUARY 1, 2014**

BE IT ORDAINED by the Township Committee of the Township of Chatham in the County of Morris, New Jersey, as follows:

Section 1. Section 1 of Ordinance 2013-020 is hereby amended as follows: compensation for the position or office listed shall be compensated within the range set forth below. Actual compensation, consistent with the salary range established herein, is established by Township Resolution.

<u>Office or Position of Employment</u>	<u>Minimum</u>	<u>Maximum</u>
Public Works Manager	65,000	131,000

Section 2. This ordinance shall take effect upon publication as provided by the law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-14.
Seeing none, Mayor Sullivan closed the Public Hearing.

Committeeman Brower asked if this salary range would allow for bonuses to be paid. Mayor Sullivan said that it would encompass total compensation.

Committeeman Brower moved to adopt Ordinance 2014-14. Committeewoman Abbott seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Introduction of Ordinances

Ordinance 2014-15

**ORDINANCE 2014-15
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF PROPERTY
KNOWN AS BLOCK 142, LOTS 1 AND 2 LOCATED NORTH OF WOODLAND
AVENUE AND BLOCK 141, LOTS 7, 8 AND 9.04 LOCATED SOUTH OF WOODLAND
AVENUE, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM BY
ASSIGNMENT FROM THE OPEN SPACE LAND TRUST**

WHEREAS, the Township of Chatham was offered the opportunity to acquire property known as Block 142, Lots 1 and 2 located North of Woodland Avenue (“Property”) and Block 141, Lots 7, 8 and 9.04 located South of Woodland Avenue (“Woodland Parcel”), on the Official Tax Map of the Township of Chatham, for passive open space by assignment from the Open Space Institute Land Trust (“OSI”); and

WHEREAS, the Property offered to the Township consists of approximately 131.344± acres, excluding Dodge Drive, subject to a restrictive covenant limiting the use of the Property and the Woodland Parcel to conservation and passive recreation purposes; and

WHEREAS, the contract purchaser, Normandy MRY Madison, LLC, of the Property and Woodland Parcel agreed to assign a Purchase and Sale Agreement to OSI for a purchase price of \$14,100,000.00 (“Purchase Price”); and

WHEREAS, OSI assembled various funding sources for the Purchase Price of the Property and Woodland Parcel as follows:

Source of Funds

Morris County Open Space Trust Fund
Morris County Park Commission
Morris County Municipal Utilities Authority
Chatham Township
Open Space Institute Land Trust
Normandy MRY Madison, LLC

WHEREAS, the parties will acquire title to the Property and Woodland Parcel in proportion to their contribution; and

WHEREAS, however, through a series of conveyances at the closing, the Township will own approximately 91.9118% of the Property and the County of Morris for park purposes will own approximately 8.0882% of the Property, subject to further revision based upon the actual proportion of the individual contributions; and

WHEREAS, however, the County of Morris for park purposes will solely own the Woodland Parcel; and

WHEREAS, the acquisition of the Property and Woodland Parcel is contingent upon the funding sources contributing the full Purchase Price; and

WHEREAS, the Township’s portion of the funding is from the following sources:

<u>Party</u>	<u>Source of Funds</u>	<u>Amount</u>
Township	Chatham Township Green Acres Grant	\$400,000.00
Township	Chatham Township Open Space Trust Fund	\$300,000.00

WHEREAS, the Township desires to acquire title to the Property in the approximate percentage described above contingent upon funding and revision of the actual percentage ownership based upon the actual proportion of the contribution; and

WHEREAS, the Township desires to appropriate \$400,000.00 in a Green Acres Grant (reimbursement for a prior acquisition) and \$300,000.00 from the Township Open Space Trust Fund.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Township of Chatham hereby approves and authorizes the Township Mayor, Administrator, Clerk and Attorney to execute any and all documents necessary to consummate the acquisition of the Property and Woodland Parcel, including but not limited to:
 - a) Partial Assignment of Agreement;
 - b) Acquisition Funding and Assignment Agreement;
 - c) Agreement Pertaining to Declaration Amendment;
 - d) Cooperation Agreement;
 - e) Environmental Release;
 - f) Declaration of Conservation Restrictions;
 - g) Closing Statement; and
 - h) Such other documents as are necessary to consummate this transaction.
2. Appropriate up to \$400,000.00 in a Green Acres Grant (reimbursement for a prior acquisition) and up to \$300,000.00 from the Township Open Space Trust Fund for its share of the funding to acquire the Property.

3. The documents described in Paragraph 1 above shall provide the following:
 - a) Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts, with the Township and the County of Morris for park purposes owning the Property in the approximate percentages stated above as tenants in common.
 - b) The closing shall occur on or before December 31, 2014.
 - c) The closing shall be contingent upon the funding of the Purchase Price as described above.
 - d) Title shall be subject to a restrictive covenant limiting the use of the Property to conservation and passive recreation purposes.
4. This Ordinance shall take effect in accordance with law.

Committeeman Brower asked about any open negotiations for this property. Attorney Cruz said that the terms have not changed.

Committeewoman Abbott moved to introduce Ordinance 2014-15. Deputy Mayor Ritter seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2014-15 will be scheduled for October 9, 2014.

Consent Agenda

RESOLUTION 2014-177 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

Construction Official – August
CFO – August
Tax Collector – August

RESOLUTION 2014-178 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MEETING MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on September 11, 2014.

RESOLUTION 2014-179 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on September 11, 2014.

RESOLUTION 2014-180 TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Kitson and Partners 4500 PGA Boulevard, Suite 400 Palm Beach Gardens, FL 33418	Giralda Farms Treadwell Ave CM 13-142-1	7761693394	\$174.60

RESOLUTION 2014-181

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A CROSSING GUARD

BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Matthew Krickus is hereby appointed to serve as a Crossing Guard for the Township of Chatham, effective September 22, 2014, at a rate consistent with the 2014 Salary Resolution.

Deputy Mayor Ritter asked if new crossing guards need to have background checks. Lt. Miller said that background checks are performed. Committeewoman Abbott asked if the new crossing guard is to be stationed at the intersection of Lafayette Avenue and Southern Boulevard, and Lt. Miller said that he will be at that location.

Committeewoman Abbott moved to approve the Consent Agenda. Committeeman Brower seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Discussion

Committeewoman Abbott said that the Chatham Borough Council does resolutions to recognize private business that have made contributions to the Community Garden. She offered the opinion that the Township Committee should pass resolutions in like manner for this joint project. Mayor Sullivan said that thank you letters can be sent to show appreciation for such contributions. He also questioned if resolutions should be used for showing appreciation. Deputy Mayor Ritter opined that such resolutions are not necessary, and that thank you letters are more appropriate. Committeewoman Abbott suggested that such resolutions be done when the Borough is also adopting such a resolution. Committeeman Brower suggested that any such effort be all-inclusive, and that the Township Committee could show its gratitude to several organizations all at once during a regular meeting. Mayor Sullivan and Committeeman Gallop both opined that resolutions recognizing private businesses for contributions could be done when it is in connection with a joint venture with Chatham Borough.

Engineer's Report

Engineer Ruschke reported that the NJDOT Municipal Aid applications are due on October 14th, and both he and Administrator Ciccarone will be suggesting that the Township apply for aid for Glenmere Road Improvement Project. A resolution authorizing the application will be on the agenda for the next meeting.

Regarding the crack sealing project, the project is going very well. The project is more than halfway done, and he and Administrator Ciccarone will be discussing the issuance of a change order to expand the project.

Committeeman Brower mentioned that Woodland Road is in need of maintenance. He also said that contractors are paving roads in such a way that sections are not properly bonding to each other. Engineer Ruschke said that sometimes trucks get delayed, which contributes to the issue.

Mayor Sullivan asked when the Shunpike Sidewalk Project will commence and when residents will receive notice. Engineer Ruschke said that residents have already been noticed that the project will take place. Now that the contracts have been signed, the notice to proceed will be issued. Further notice will be provided to residents once the start date is set, which should be in mid-October. Detours will not be necessary, as cones and flagmen can be utilized. A sign will be put up to advise residents and commuters to expect delays. The bulk of the work will be finished within a month, with some finishing touches in the spring.

Deputy Mayor Ritter brought up the topic of burglaries in the Township. Mayor Sullivan noted that the Township has sent out various alerts, and said that there are certain easy measures residents can take to prevent being burglarized. There has also been discussion of having an official neighborhood watch program. Committeewoman Abbott asked how many burglaries are crimes of opportunity compared with those that might be locals with drug problems. Lt. Miller said that the pattern being seen is crimes of opportunity, and it is to be determined if it is locals or outsiders committing these crimes. Committeeman Gallop said that burglars usually go straight for the master bedroom, and residents can protect their valuables by storing them elsewhere. Lt. Miller said that it also helps to have your home appear occupied.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.

Seeing no comment, Mayor Sullivan closed the Hearing of Citizens.

Executive Session

RESOLUTION 2014-P-15 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Property acquisition or investment options: Giralda Farms & Dixiedale Farm
 - b. Pending or anticipated litigation: Paff v. Township of Chatham
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Mayor Sullivan announced that the Township Committee would not be taking action following the Executive Session.

Committeeman Brower moved to pass Resolution 2014-P-15 to enter Executive Session at 8:34 PM. Committeewoman Abbott seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

The Township Committee returned to public session at 8:53 PM

Committeeman Brower asked if a particular publication had been reviewed by anyone on the Township Committee before being released. Deputy Mayor Ritter said that it is a boilerplate publication funded by advertisers.

The meeting was adjourned at 8:55 PM.

Gregory J. LaConte
Township Clerk